

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|--------------------------|---|----------------------|
| ASA T. CARTER, |) | |
| |) | |
| Plaintiff, |) | 4:05cv3158 |
| |) | |
| vs. |) | MEMORANDUM AND ORDER |
| |) | |
| DENNIS BAKEWELL, et al., |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on filing no. 22, the plaintiff's Amendment to Complaint, which the court construes as the plaintiff's Motion for Leave to File Amendment to Complaint. Filing no. 22 is granted, and the Amendment is accepted for filing instant.

The plaintiff, Asa T. Carter, a prisoner in the custody of the Nebraska Department of Correctional Services, has filed a number of amendments and supplements to his complaint (see filing nos. 13, 18, 21, 22, 29 and 30). Unfortunately, the amendments have not been completely integrated into the record. Therefore, with the plaintiff's assistance, the court will now update the record of this case.

First, the Clerk of Court shall add additional defendants to the record, i.e., Mel Rouf and caseworker Wilson, in accordance with what appears to be the plaintiff's intent as reflected in his amendments to the complaint. If the plaintiff did not intend to add those defendants or if he intended to add additional defendants, he shall notify the court in writing.

Second, the plaintiff will need summons forms and USM-285 forms (one of each for each defendant) for service of process on the defendants in their individual capacity. State employees in their individual capacity may be served wherever they can be found and will accept service of process themselves or through a person authorized to receive a summons on their behalf. Therefore, the Clerk of Court shall send the plaintiff a copy of this order, a current docket sheet and a summons and 285 form for each defendant listed on the docket sheet including Rouf and Wilson.

Third, the plaintiff will need summons forms and USM-285 forms (one of each for defendants-Rouf and Wilson) for service of process on those two defendants in their official capacity. In their official capacity, those defendants may be served c/o the Nebraska Attorney General's office, 2115 State Capitol, Lincoln, Nebraska 68509. When answering on behalf of Caseworker Wilson, the State shall specifically address the plaintiff's complaints about Ms. Wilson's sarcastic, disrespectful and abusive demeanor toward him.

The plaintiff shall complete and return the forms for service of process within thirty (30) days of the date of this Order. The plaintiff does not have to copy the complaint or any amendments, as the court will do so for him. Upon receipt of the completed forms, the Clerk of Court shall sign each summons, to be forwarded together with a copy of the complaint, as amended, to the U.S. Marshal for service of process. The Marshal shall serve each summons and complaint, as amended, without payment of costs or fees. Service may be by certified mail pursuant to Fed. R. Civ. P. 4 and Nebraska law in the discretion of the Marshal.

THEREFORE, IT IS ORDERED:

1. That filing no. 22, the plaintiff's Motion for Leave to File Amendment to Complaint, is granted, and the Amendment is accepted for filing instantaner;
2. That the Clerk of Court shall update the records of this case and send the plaintiff the forms set forth above in this Order;
3. That the plaintiff shall return the completed forms within thirty (30) days of the date of this Order for service of process by the U.S. Marshal; and
4. That the Marshal shall serve each summons and complaint, as amended, without payment of costs or fees. Service may be by certified mail pursuant to Fed. R. Civ. P. 4 and Nebraska law in the discretion of the Marshal.

DATED this 30th day of May, 2006.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge